

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

DERRICK WILLIS

PLAINTIFF

V.

CIVIL ACTION NO. 3:21-CV-00054-RP

JESSE WILLIAMS

DEFENDANT

ORDER DISMISSING CASE
WITHOUT PREJUDICE

This matter comes before the Court, *sua sponte*, for consideration of dismissal. On April 6, 2021, the Court entered an order directing Plaintiff to resubmit a legible copy of the RVR included as a part of his complaint within thirty (30) days. Doc. # 9. Plaintiff confirmed receipt of the order by signing and returning an Acknowledgment of Receipt (“AOR”) on April 15, 2021,¹ but failed to resubmit the RVR as directed. *See* Doc. # 13.

Subsequently, on May 10, 2021, the Court entered an order directing Plaintiff to show cause why his case should not be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff’s failure to obey the Court’s previous order. Doc. # 15. Plaintiff again confirmed receipt of the Court’s order but still failed to respond to the Court’s directive. *See* Doc. # 16.

Consequently, the Court entered an order dismissing this case without prejudice on June 2, 2021, due to Plaintiff’s complete failure to follow the Court’s directive. Plaintiff confirmed receipt of the order dismissing the case on June 17, 2021. *See* Doc. # 19. On July 14, 2021, more than a month after the case was dismissed, and almost a month after having confirmed receipt of the dismissal, Plaintiff moved to re-open the instant case. Doc. # 20. The Court

¹ Plaintiff signed the AOR on April 15, 2021, but it was “filed” on the docket on April 19, 2021. *See* Doc. # 13.

entered an order granting Plaintiff's motion and re-opening this matter on July 19, 2021. Doc. # 21.

That same day, July 19, 2021, the Court entered a separate order requiring Plaintiff to submit additional information to the Court within thirty (30) days. Doc. # 22. In that order, the Court directed Plaintiff to provide a description of Defendant's involvement in the actions alleged in the complaint. *Id.* The order further warned Plaintiff that his failure to comply could result in the dismissal of this action. *Id.*

Plaintiff confirmed receipt of the aforementioned order by returning a signed AOR on August 5, 2021.² Doc. # 26. Plaintiff, however, failed to submit the information as directed, and the time for doing so has now passed. The Court notes that this is the *second* time that Plaintiff has failed to comply with an order of the Court in this matter despite being cautioned of the consequences. Accordingly, the Court finds that the instant action is hereby **DISMISSED without prejudice** for Plaintiff's failure to prosecute and failure to obey an order of the Court.

SO ORDERED, this the 24th day of August, 2021.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE

² Plaintiff signed the AOR on July 29, 2021.